

**DECISION**

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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-183106

DATE: February 27, 1975

MATTER OF: Henry Angelo and Sons, Inc.

**DIGEST:**

Protest filed with GAO 6 months after adverse agency action is untimely under 4 C.F.R. 20.2(a). Also untimely is a second post-award protest filed here 6 months after initial protest to agency had been filed without result.

On July 10, 1974, this Office received copies of two letters addressed to the Officer in Charge of Construction at the Key West, Florida, Naval Air Station. The letters, written by counsel for Henry Angelo and Sons, Inc. (Angelo), protested to the Naval Facilities Engineering Command the award of contracts N62467-74-B-2742 (2742) and N62467-74-B-6502 (6502), covering repair and painting work at the Air Station. The contracts had been awarded in late June 1974.

By letters of July 11 and 16, 1974, this Office acknowledged to Angelo our receipt of the information copies of its protests to the Navy. The letters pointed out to Angelo that under the pertinent portion of our Interim Bid Protest Procedures and Standards, 4 C.F.R. § 20, et. seq. (1974), that in cases where protests are initially filed with the contracting agency that we would consider any subsequent protest to this Office if filed within 5 days of notification of adverse agency action, provided the initial protest to the agency was made timely. Additionally, we pointed out that to be regarded as a protest to the GAO, the communication should specifically request a ruling by the Comptroller General. Since we did not regard copies of correspondence addressed to a contracting officer as invoking our bid protest jurisdiction, the file was then closed.

We heard nothing further about these protests until January 27, 1975, when Angelo specifically requested our decision concerning the award of contracts 6502 and 2742. Angelo notes that on July 3, 1974, the Navy had denied its protest concerning contract 2742, and Angelo states that a decision has never been received concerning its early July 1974 protest on contract 6502. In support of its claim that its protests were timely filed with this Office, Angelo relies on the penultimate paragraphs of its letters to the Navy in early July 1974, which state:

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"Copy of this letter goes forward to the Facilities Engineering Command, Charleston, and to the General Accounting Office at Washington, D.C. which we ask to take cognizance of and take action."

Our letters of July 11 and 16, 1974, clearly indicated that we did not consider copies of Angelo's letters to the Navy as protests to this Office. Angelo did not correspond directly with our Office until more than 6 months had elapsed from the Navy's adverse action on contract 2742, and a similar amount of time had elapsed since the protester had received any word from the Navy concerning its protest on contract 6502. In these circumstances, Angelo's protest concerning the award of contract 2742 is clearly untimely. Additionally, although Angelo never received a specific adverse ruling from the Navy on its protest on the award of contract 6502, we believe it was incumbent upon Angelo to make its intentions known to this Office before 6 months had elapsed since contract award and the filing of its protest to the Navy. Therefore, both of Angelo's protests to this Office are untimely and will not be considered.

Deputy

  
Comptroller General  
of the United States